

**REMARKS**

Claims 1-18 are currently pending in this application. The Examiner has rejected Claims 1-18 under 35 U.S.C. §103.

**Double Patenting – Obviousness-type**

The Examiner rejected claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of various copending Applications.

The Applicants are willing to submit a terminal disclaimer to overcome the rejections over the claims of the Applications the Examiner cited, if the Examiner believes the Application is otherwise allowable.

**35 U.S.C. §103(a) – Claims 1-18**

The Examiner rejected claims 1-18 as being unpatentable over by Dabak et al. (U.S. Ref. No. 6,775,260) in view of Rowitch et al. (U.S. Ref. No. 6,628,702).

As the Examiner agrees, the Dabak et al. reference does not disclose, teach, nor suggest anywhere the use of different channelization codes. Indeed, in figure 2, the Dabak discloses, *inter alia*, encoded symbols  $D_1^1$  and  $D_2^1$  undergoing the **same** "user specific code"  $C^1$ . There is no teaching that any different channelization code is used on the symbols in the Dabak reference. And notably, there is no teaching in

the Dabak reference of "each channelization code being uniquely associated with one of a first and second antennas".

The Rowitch reference merely makes a vague reference in the background section relating to "covering the data for each antenna with a particular channelization code," but does not disclose, teach or suggest that the particular code is different for each antenna or uniquely associated with each antenna. Indeed, the Dabak reference itself discloses a "particular" user specific code. However, it is the *same* code, not a different code, and particularly not a different code that is uniquely associated with each antenna, as the Examiner agrees. Therefore, the Rowitch reference fails to cure the deficiencies of the Dabak reference.

Applicants' previously presented independent claim 1, on the other hand, recites:

A method for transmitting a data field of symbols comprising the steps of:

- generating a first data field of symbols;
- encoding said first data field producing a second data field having complex conjugates of the symbols of said first data field;
- spreading said first and second data fields, wherein said first data field is spread using a first channelization code and said second data field is spread using a second channelization code, each channelization code being uniquely associated with one of a first and second antennas; and
- transmitting an RF signal including said first and second spread data fields over a first and second antenna.

which is neither disclosed, taught nor suggested in the Dabak et al. reference or the Rowitch et al. reference. Accordingly, the Applicants' previously presented

independent claim 1 is patentable over the Dabak and Rowitch references, whether taken alone or in combination with each other.

The Applicants' claims 2-4 depend, either directly or indirectly, from Applicants' patentable independent claim 1. Therefore, Applicants' dependent claims 2-4 are patentable for at least the same reasons as Applicants' patentable independent claim 1.

Applicants' previously presented independent claim 5 recites:

A transmitter for transmitting a data field of symbols comprising:

a first and second antenna for transmitting said data field of symbols, wherein said data field includes a first data field;

an encoder for encoding said data field producing a second data field having complex conjugates of the symbols of said data field; and

a first and second spreading device for spreading said first and second data fields, wherein said first spreading device spreads said first data field using a first channelization code and said second spreading device spreads said second data field using a second channelization code, each channelization code being uniquely associated with one of said first and second antennas.

Again, the use of channelization codes is not disclosed, taught or suggested in the Dabak et al. reference or the Rowitch et al. reference. Accordingly, the Applicants' previously presented independent claim 5 is patentable over the Dabak and Rowitch references, whether taken alone or in combination with each other.

Claims 6, 7, and 8 depend, either directly or indirectly, from Applicants' patentable independent claim 5, and are therefore patentable for at least the same reasons as Applicants' patentable independent claim 5.

Applicants' previously presented independent claim 9 recites:

A transmitter including:  
a first and second means for transmitting a data field of symbols including a first data field;  
a means for encoding said data field producing a second data field having complex conjugates of the symbols of said first data field;  
and  
a first and second spreading means for spreading said first and second data fields, wherein said first spreading means spreads said first data field using a first channelization code and said second spreading means spreads said second data field using a second channelization code, each channelization code being uniquely associated with one of said first and second transmitting means.

The use of channelization codes is not disclosed, taught or suggested in the Dabak et al. reference or the Rowitch et al. reference. Accordingly, the Applicants' independent claim 9 is patentable over the Dabak and Rowitch references, whether taken alone or in combination with each other.

Additionally, claims 10, 11, and 12 depend, either directly or indirectly, from Applicants' patentable independent claim 9. Therefore, Applicants' dependent claims 10, 11, and 12 are patentable for at least the same reasons as Applicants' patentable independent claim 9.

Applicants' previously presented independent claim 13 recites:

A method for transmitting a data field of symbols comprising the steps of:

- generating a data field of symbols, wherein said data field includes a first data field;

- spreading said first data field using a first channelization code producing a first spread data field;

- spreading said first data field using a second channelization code producing a second spread data field, each channelization code being uniquely associated with one of a first and second antennas; and

- transmitting an RF signal including said first and second spread data fields over a first and second antenna.

The use of channelization codes is not disclosed, taught or suggested in the Dabak et al. reference or the Rowitch et al. reference. Accordingly, the Applicants' previously presented independent claim 13 is patentable over the Dabak and Rowitch references, whether taken alone or in combination with each other.

Additionally, claim 14 depends from Applicants' patentable independent claim 13, and is therefore patentable for at least the same reasons as Applicants' patentable independent claim 13.

Applicants' independent claim 15 recites:

A transmitter for transmitting a data field of symbols comprising:

- a first and second antenna for transmitting said data field of symbols; and

- a first and second spreading device for spreading said data field, wherein said first spreading device spreads said data field using a first channelization code, producing a first spread data field, and said second spreading device spreads said data field using a second channelization code, producing a second spread data field, each channelization code being uniquely associated with one of said first and second antennas.

The use of channelization codes is not disclosed, taught or suggested in the Dabak et al. reference or the Rowitch et al. reference. Accordingly, the Applicants' independent claim 15 is patentable over the Dabak and Rowitch references, whether taken alone or in combination with each other.

Additionally, claim 16 depends from Applicants' patentable independent claim 15, and is therefore patentable for at least the same reasons as Applicants' patentable independent claim 15.

Applicants' independent claim 17 recites:

A transmitter comprising:  
a first and second means for transmitting a data field of symbols; and  
a first and second spreading means for spreading said data field, wherein said first spreading means spreads said data field using a first channelization code producing a first spread data field and said second spreading means spreads said second data field using a second channelization code producing a second spread data field, each channelization code being uniquely associated with one of said first and second transmitting means.

Again, since the use of channelization codes is not disclosed, taught or suggested in the Dabak et al. reference or the Rowitch et al. reference, the Applicants' independent claim 17 is patentable over the Dabak and Rowitch references, whether taken alone or in combination with each other.

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**Application No.:** 10/079,107

Additionally, claim 18 depends from Applicants' patentable independent claim 17, and is therefore patentable for at least the same reasons as Applicants' patentable independent claim 17.

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**Conclusion**

The Applicants thank the Examiner for his consideration and believe the application is in condition for allowance. Early and favorable reconsideration is respectfully solicited.

If the Examiner has any questions, or believes that a telephone conference would advance the prosecution of this application, the Examiner is requested to contact the Applicants' undersigned attorney.

Respectfully submitted,

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